

Message Text

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ORIGIN NEA-16

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DRAFTED BY NEA/INS:RDLORTON:MMK

APPROVED BY NEA:LBLAINGEN

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TO AMCONSUL CALCUTTA PRIORITY

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E.O. 11652: N/A

TAGS: CASC, PFOR, IN

SUBJECT: HARCOS/FLETCHER: CONSULAR ACCESS TO TRIAL

REF: (A) CALCUTTA 1609 (NEW DELHI 10465); (B) STATE

113399

FOR PICKERING

WE SEE NO BASIS FOR USG RETAINING LEGAL COUNSEL INASMUCH
AS WE SHOULD NOT BECOME PARTIES TO THE CASE ITSELF.

WHILE YOU SHOULD CONTINUE TO REPRESENT USG INTERESTS
TO INDIAN AUTHORITIES IN YOUR CAPACITY AS CONSUL GENERAL,
YOU SHOULD NOT BECOME A PARTY TO ANY TRIAL MOTIONS.

NEITHER SHOULD YOU TESTIFY IN COURT WITHOUT PRIOR
AUTHORIZATION FROM THE DEPARTMENT AS REQUIRED BY
DEPARTMENT REGULATIONS. WHILE CONSULAR ACCESS IS A
LEGAL QUESTION GOVERNED BY CUSTOMARY RULES OF INTER-
NATIONAL LAW (SEE REF B) WE BELIEVE ISSUE IS BASICALLY
POLITICAL AND RESOLUTION WOULD NOT BE AIDED BY
ASSISTANCE FROM OUTSIDE LEGAL COUNSEL. APPRECIATE

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PECULIAR CIRCUMSTANCES WHICH REQUIRED YOUR STATEMENT IN

COURT TODAY AND CONTINUE TO AGREE YOU SHOULD TAKE
WHATEVER STEPS YOU THINK NECESSARY WITHIN THE ABOVE
GUIDELINES TO INSURE MAXIMUM ACCESS TO HARCOS AND
FLETCHER AND TRIAL PROCEEDINGS. KISSINGER

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